

August 14, 2003

via email: DOER.RPS@State.MA.US

Renewable Energy Portfolio Standard Mailbox
Massachusetts Division of Energy Resources
70 Franklin Street, 7th floor
Boston, MA 02112-1313

Re: **Draft Advisory Ruling – July 17, 2003**
Schiller Station Unit 4 Conversion

Dear DOER:

On July 17, 2003 the Massachusetts Division of Energy Resources issued its Draft Advisory Ruling in regard to the Biomass Conversion of the Schiller Station Unit 4 – Portsmouth, NH. While we agree with the DOER's Summary of Ruling and Rationale [Section 7] we are concerned about footnote number 2 provided at the bottom of page 3, which states:

PSNH is advised, however, that any organically derived fuel used in the generation unit must be collected and managed separately from the municipal solid waste stream *and be substantially devoid of contaminating elements such as paints, stains, and construction debris to be eligible*. DOER may request that record of fuel supplies be maintained and reported to DOER, and DOER retains the right to inspect fuel supplies upon request (italics added).

The statute governing eligible fuel sources for the Massachusetts RPS is 225 CMR 14.00 - RENEWABLE ENERGY PORTFOLIO STANDARD. The statute contains a definition of eligible biomass fuel:

Eligible Biomass Fuel. Fuel sources including brush, stumps, lumber ends and trimmings, wood pallets, bark, wood chips, shavings, slash and other clean wood that are not mixed with other solid wastes; agricultural waste, food material and vegetative material as those terms are defined, or may subsequently be defined, by the Department of Environmental Protection at 310 CMR 16.02; energy crops; biogas; organic refuse-derived fuel that is collected and managed separately from municipal solid waste; or neat biodiesel and other neat liquid fuels that are derived from such fuel sources.

We note that the DOER footnote contains criteria that is not contained in 225 CMR 14.00, specifically the qualification that the fuel must be “*substantially devoid of contaminating*

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elements such as paints, stains, and construction debris to be eligible". We have spoken to the MA. DEP about the language in the Draft Advisory Ruling's Footnote #2, and have been assured that this is not the intent of the statute. It is our understanding, confirmed by our conversations with the DEP, that the definition of eligible biomass fuel under 225 CMR 14.00 is organic refuse-derived fuel that is collected and managed separately from municipal solid waste including but not limited to wood containing paints, stains, coatings or other preservatives.

We appreciate this opportunity to comment on the Draft Advisory Ruling, and hope our comments have been helpful.

Sincerely,

Raymond S. Kusche